



05-CV-01365-ORD

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 JAMES BATTLE,) CASE NO. C05-1365-TSZ-MAT
10 Plaintiff,)
11 v.) ORDER OF DISMISSAL
12 STATE OF WASHINGTON, et al.,)
13 Defendants.)

15 The Court, having reviewed the Report and Recommendation of the Honorable Mary Alice
16 Theiler, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

17 (1) The Court adopts the Report and Recommendation;
18 (2) Plaintiff's application to proceed *in forma pauperis* is DENIED and this case is
19 DISMISSED without prejudice; and
20 (3) The Clerk is directed to send copies of this Order to plaintiff and to Judge Theiler.

21 DATED this 16 day of Sept, 2005.

THOMAS S. ZILLY
United States District Court Judge

**ORDER OF DISMISSAL
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